

## **TENTATIVE RULINGS for CIVIL LAW and MOTION**

### **November 5, 2009**

Pursuant to Yolo County Local Rules, the following tentative rulings will become the order of the court unless, by 4:00 p.m. on the court day before the hearing, a party requests a hearing and notifies other counsel of the hearing. To request a hearing, you must contact the clerk of the department where the hearing is to be held. Copies of the tentative rulings will be posted at the entrance to the courtroom and on the Yolo Courts Website, at [www.yolo.courts.ca.gov](http://www.yolo.courts.ca.gov). If you are scheduled to appear and there is no tentative ruling in your case, you should appear as scheduled.

Telephone number for the clerk in Department Fifteen: (530) 406-6942

#### **TENTATIVE RULING**

**CASE:** **Gibson v. Controlled Directional, Inc.**  
**Case No. CV CV 09-2239**

**Hearing Date:** **November 5, 2009** **Department Fifteen** **9:00 a.m.**

The plaintiff's unopposed application for a right to attach order and order for issuance of writ of attachment is **DENIED**. Default against Controlled Directional, Inc. was entered on October 28, 2009.

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312 or further notice is required.

#### **TENTATIVE RULING**

**Case:** **Lopez's Ag Service v. RH Phillips, Inc.**  
**Case No. CV CV 09-1544**

**Hearing Date:** **November 5, 2009** **Department Fifteen** **9:00 a.m.**

The demurrer is moot. The plaintiff filed a first amended complaint on October 26, 2009.

#### **TENTATIVE RULING**

**Case:** **Wachovia Mortgage, FSB v. Buchignani**  
**Case No. CV UD 09-2137**

**Hearing Date:** **November 5, 2009** **Department Fifteen** **9:00 a.m.**

Plaintiff's unopposed motion to compel Marty Buchignani to appear for her deposition and to produce the categories of documents described in the notice of deposition dated September 18, 2009, is **GRANTED**. (Code Civ. Proc., § 2025.450.) Plaintiff shall promptly meet and confer in good faith with Ms. Buchignani about a date for the taking of Ms. Buchignani's deposition. Ms. Buchignani shall promptly provide plaintiff's counsel with dates when Ms. Buchignani is available for deposition. If Ms. Buchignani fails to provide such dates or the parties fail to agree upon a date by November 12, 2009, the plaintiff may unilaterally set the date for Ms. Buchignani's deposition.

Plaintiff's unopposed motion to compel responses to its form and special interrogatories, sets no. one to Marty Buchignani is **GRANTED**. (Code Civ. Proc., § 2030.290, subd. (b).) Marty Buchignani shall serve verified answers to the interrogatories, without objections, **by no later than November 20, 2009**.

Plaintiff's unopposed motion to have the truth of the matters stated in request for admissions, set no. one from Wachovia Mortgage to Marty Buchignani deemed admitted is **GRANTED**. (Code Civ. Proc., § 2033.280, subds. (b) and (c).)

Plaintiff's unopposed request for monetary sanctions against Marty Buchignani is **GRANTED** in the amount of \$915.00. (Code Civ. Proc., §§ 2025.450, subd. (c)(1) and 2033.280, subd. (c); Cal. Rules of Court, rule 3.1348.)

Plaintiff shall serve notice of this ruling on all defendants by **no later than November 6, 2009**.

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312 or further notice, except as provided herein, is required.